

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

In Re:

**EUGENIO MELENDEZ  
MILAGROS SILVA AYALA,  
XXX-XX-4799  
XXX-XX-1057**

Debtor

**Case No.: 10-09824 (ESL)**

Chapter 13

**TRUSTEE'S POSITION AS TO DEBTOR' MOTION REQUESTING MODIFICATION  
OF STAY IN FAVOR OF BANCO POPULAR DE PUERTO RICO FOR LOSS  
MITIGATION PURPOSES ONLY (DOCKET NO. 16)**

**TO THE HONORABLE COURT:**

**NOW COMES** José R. Carrión, Standing Chapter 13 Trustee (hereinafter, the "Trustee"), through the undersigned attorney, and very respectfully states and requests:

1. On December 23, 2010, Debtor filed a motion requesting the modification of the automatic stay to enter in a loss mitigation agreement or mortgage modification with Banco Popular de Puerto Rico (the "Motion"). (Docket No. 16)

2. The Trustee respectfully informs that he has no objection as to Debtor participation in a mortgage modification. However, as a result of the loan modification, the Debtor must file amended Schedules I and J to reflect the change of circumstances as a result of the loan modification, which give Debtors an additional disposable income over the remaining term of the confirmed plan.

In re: Eugenio Me;endez  
Milagros Silva Ayala  
Trustee's Position As To Mortgage Modification Program

Case No. 10-09824 (ESL)

4. Furthermore, Debtor must file an amended plan that reflects any change of circumstance due to the loan modification, since the loan modification will provide an increase in the monthly installments, offering a bigger dividend to the general unsecured claims.

**WHEREFORE**, the Trustee respectfully requests this Honorable Court to take notice of the Trustee's position as to Debtor's participation in loss mitigation agreement.

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee certifies that today, this document has been filed using the Court's CM/ECF System, which will provide electronic notice of the same to all appearing parties that are CM/ECF participants and that copy of this motion has been served by regular First Class Mail on this same date to: the DEBTOR(s), and all those parties in interest who have filed a notice of appearance if not an CM/ECF register user.

In San Juan, Puerto Rico, this 18<sup>th</sup> day of January, 2011.

/S/ Mayra M. Argüelles-Álvarez

Staff Attorney  
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